

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, October 17, 2012 – 2:00 p.m. – Room 25 House Building

Members Present:

Sen. Peter C. Knudson, Senate Chair
Rep. Kraig Powell, House Chair
Sen. Margaret Dayton
Sen. Ross I. Romero
Rep. Rebecca Chavez-Houck
Rep. Janice M. Fisher
Rep. Craig A. Frank
Rep. Brad J. Galvez
Rep. Richard A. Greenwood

Rep. Keith Grover
Rep. David Litvack
Rep. Curtis Oda
Rep. Lee B. Perry
Rep. Douglas Sagers

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Emily R. Brown, Associate General Counsel
Ms. Anna M. Allen, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Powell called the meeting to order at 2:36 p.m.

MOTION: Rep. Galvez moved to approve the minutes of the September 19, 2012, committee meeting. The motion passed unanimously with Rep. Fisher and Sen. Knudson absent for the vote.

2. Issues Related to an Emergency on Election Day

Ms. Brown discussed state and federal constitutional provisions related to an emergency affecting voting on Election Day. She discussed and distributed "State Survey on Election Day Emergency Provisions," which shows how seven states each handle emergency situations affecting voting on Election Day. Ms. Brown also discussed options for the committee to consider regarding this issue. She responded to questions from the committee.

Chair Powell asked Sen. Knudson to chair the meeting.

3. Draft Legislation "Elections During Declared Emergency"

Ms. Brown discussed draft legislation "Elections During Declared Emergency" (2013FL-0138/002). She stated that the bill would authorize the lieutenant governor, during a declared emergency, to establish alternative methods and deadlines for returning an absentee or military-overseas ballot. She responded to questions from the committee.

Mr. Mark Thomas, Lieutenant Governor's Office, expressed the view that this type of legislation would benefit Utah's election laws.

Ms. Ann O'Connell, League of Women Voters, asked if the counting of absentee ballots would delay canvassing.

Ms. Brown responded that if military or overseas ballots did not come in on time, the lieutenant governor could change the time/date to count the absentee ballots.

MOTION: Rep. Grover moved to approve draft legislation "Elections During Declared Emergency" as drafted. The motion passed unanimously with Rep. Fisher absent for the vote.

4. Draft Legislation "Boards and Commissions Amendments"

Mr. Hunsaker discussed the changes that were made to draft legislation "Boards and Commissions Amendments" (2013FL-0131/011) since the committee's September 19, 2012, meeting. He responded to questions from the committee.

MOTION: Rep. Perry moved that staff notify those groups who have not responded to the survey and if the groups do not respond, they will be added to the list of groups to be repealed.

REVISED MOTION: Rep. Perry moved that staff notify those groups created in statute who have not responded to the survey that they will be added to the draft legislation for repeal.

SUBSTITUTE MOTION: Rep. Greenwood moved to instruct staff to send out a final notice to groups asking them to fill out the survey by November 2, 2012, and if they fail to do so, and if they are created by statute, the committee will consider adding them to the draft legislation for repeal. Rep. Greenwood also asked that this topic be added to the agenda of the November 14, 2012, Government Operations Interim Committee meeting. The substitute motion passed with Sen. Dayton, Rep. Fisher, Rep. Grover, and Rep. Powell absent for the vote, and with Sen. Romero, Rep. Chavez-Houck, and Rep. Litvack voting in opposition.

5. Draft Legislation "Candidate Amendments"

Ms. Brown discussed the changes that were made to draft legislation "Candidate Amendments" (2013FL-0127/006). She stated that the bill would specify when the name of a replacement candidate may be printed on a ballot; require a vote cast for a candidate who dies, resigns, or is disqualified to be counted for the replacement candidate; increase the filing fee for a candidate for a local school board or a federal, state, or county office, except presidential and retention elections for judicial candidates; establish a form for write-in candidates; and authorize certain candidates who reside outside the state to file a declaration of candidacy or certificate of nomination through a designated agent if certain conditions are met. Ms. Brown responded to questions from the committee.

Mr. Thomas stated he feels comfortable with the draft, but would like to remove the deadline to replace a candidate.

Mr. Lloyd Carr, Carr Printing, stated that this legislation is a good solution to the problem of time restraints in printing ballots and getting ballots to the voters.

Mr. Scott Hogensen, Chief Deputy Clerk Auditor, Utah County, and Chairman, Clerks Legislative Policy Committee, stated that he was happy that something could be agreed upon about this legislation and that the issue can get resolved. Mr. Hogensen expressed concern that the draft legislation does not require candidates to file in person, but allows an agent to file instead. He said that candidate filing is very important to county clerks, and expressed his opinion that if a candidate intends to represent the people, the candidate should begin by filing in person if at all possible.

MOTION: Rep. Litvack moved to approve draft legislation "Candidate Amendments" as a committee bill. The motion passed unanimously with Sen. Dayton, Rep. Fisher, Rep. Greenwood, and Rep. Perry absent for the vote.

6. Draft Legislation "Lieutenant Governor Candidate Amendments"

Ms. Brown discussed the changes to draft legislation "Lieutenant Governor Candidate Amendments" (2013FL-0128/002). She stated that the bill would allow a person to file a declaration of candidacy for the office of lieutenant governor if the person withdraws as a candidate for any other office for which the person may have filed a declaration of candidacy in the same election year. She said that the bill also amends the deadline for a person to file a declaration of candidacy for the office of lieutenant governor. Ms. Brown responded to questions from the committee.

Mr. Thomas commented that there is currently conflicting language in the statute. He stated that because this legislation requires that a lieutenant governor candidate file before the convention, it ensures that each candidate for lieutenant governor will have to come in person to the lieutenant governor's office, pay the filing fee, and sign a declaration of candidacy.

MOTION: Rep. Powell moved to pass draft legislation "Lieutenant Governor Candidate Amendments" as a committee bill. The motion passed unanimously with Rep. Fisher, Rep. Greenwood, Rep. Litvack, and Rep. Oda absent for the vote.

7. Draft Legislation "Absentee Ballot Amendments"

Mr. Hunsaker discussed draft legislation "Absentee Ballot Amendments" (2013FL-0129/004). He stated that the bill would require a person who distributes and collects absentee ballot applications to register and receive training and would establish a deadline by which an absentee ballot may be mailed. He responded to questions from the committee.

Mr. Thomas responded to a question about the scope of the problem of absentee registration.

Mr. Hogensen stated that absentee ballots have been a significant problem for this election cycle. He said that he is supportive of training people who distribute and collect absentee ballots, but expressed concern about the criminal penalties mentioned in "Absentee Ballot Amendments."

Mr. Carr stated his opinion that each voter should be responsible for turning in his or her absentee ballot.

Marilyn O'Dell, Co President, League of Women Voters in Utah, suggested separating distributing absentee ballots and receiving absentee ballots.

MOTION: Rep. Powell moved to address the next agenda item. The motion passed with Sen. Dayton voting in opposition, and with Rep. Fisher, Rep. Galvez, Rep. Greenwood, and Rep. Litvack absent for the vote.

8. Draft Legislation "Personal Use of Campaign Funds"

Ms. Victoria Ashby, Associate General Counsel, Office of Legislative Research and General Counsel, discussed draft legislation "Personal Use of Campaign Funds" (2013FL-0134/005). She stated that the bill would require a municipality or a county to adopt an ordinance prohibiting the use of campaign funds for personal expenditures. She responded to questions from the committee.

MOTION: Rep. Frank moved to pass draft legislation "Personal Use of Campaign Funds" as a committee bill and as a priority, but with an effective date change to May 1, 2013. The motion passed with Rep. Powell and Rep. Sagers voting in opposition, and with Rep. Fisher, Rep. Galvez, Rep. Greenwood, Rep. Litvack, and Rep. Perry absent for the vote.

9. Draft Legislation "Campaign Finance Reporting Penalties"

Mr. Hunsaker discussed draft legislation "Campaign Finance Reporting Penalties" (2013FL-0135/003). He stated that the bill clarifies that if candidates for certain offices do not file a financial statement by the deadline that is already in statute, they will be fined.

MOTION: Rep. Grover moved to approve draft legislation "Campaign Finance Reporting Penalties" as a committee bill. The motion passed unanimously with Rep. Fisher, Rep. Galvez, Rep. Greenwood, Rep. Litvack, and Rep. Perry absent for the vote.

10. Draft Legislation "Election Code Criminal Provisions"

Mr. Hunsaker discussed draft legislation "Election Code Criminal Provisions" (2013FL-0137/004). He stated that this bill would standardize language that establishes certain criminal penalties in Title 20A, Election Code, and repeals provisions that specify who is required to prosecute a violation of the Election Code.

MOTION: Rep. Frank moved to pass draft legislation "Election Code Criminal Provisions" as a committee bill and as a priority. The motion passed unanimously with Rep. Fisher, Rep. Galvez, Rep. Greenwood, Rep. Litvack, and Rep. Perry absent for the vote.

11. Committee Business / Adjourn

MOTION: Sen. Romero moved to adjourn. The motion passed unanimously with Rep. Fisher, Rep. Galvez, Rep. Greenwood, Rep. Litvack, and Rep. Perry absent for the vote.

Chair Knudson adjourned the meeting at 4:47 p.m.